

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: April 21, 2004
TIME: 9:00 am
PLACE: DLNR Board Room
Kalanimoku Bldg.

A. CALL TO ORDER

Chairperson Peter T. Young called the meeting of the Commission on Water Resource Management to order at 9:03 A.M.

B. ROLL CALL

The following were in attendance:

MEMBERS: Mr. Peter T. Young, Ms. Meredith Ching, Mr. Clayton Dela Cruz, Ms. Stephanie Whalen, Mr. James Frazier and Dr. Chiyome Fukino

STAFF: Ernie Lau, Dean Nakano, Roy Hardy, Ed Sakoda, Glenn Bauer, Lenore Nakama, Dean Uyeno, David Higa, Dean Nakano, Tiffany Mathias, Neal Fujii, Faith Ching

COUNSEL: Linda Chow

OTHERS: Kapua Sproat, Manabu Tagomori, Rosemary Liu, Rick Fontaine, Johanna Leaird and Chester Lao

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties.

C. ACCEPTANCE OF AGENDA

The items were taken out of order and they are shown in the order taken up by the Commission.

D. APPROVAL OF MINUTES

MOTION: (Frazier/Ching)

To approve the minutes of the March 17, 2004 meeting as circulated.

E. CORRESPONDENCE/ANNOUNCEMENTS

Deputy Ernest Lau stated that the Commission suffered the loss of two positions as proposed in the budget that was passed by the Legislature and is presently with the Governor. This includes the program manager for the Survey Branch and a Hydrologist V. The Commission will also lose an additional \$40,000.00 in the operating budget.

Department wide, DLNR proposed to lose 88 positions including the Federally funded positions, special funded positions and general funded positions. Mr. Lau also explained that CWRM has taken some losses in the CIP proposals, especially in the Boating Program.

Some good news was that we successfully restored the budget for the deep monitor well for Waihe'e on Maui that represented \$431,000. There is a lot of support for that well project coming from Maui. Instrumental in retrieving those funds was Representative Bob Nakasone from Maui.

Deputy Lau announced that he was moving on to another position within the State as an Administrator with Public Works under DAGS. This will take effect May 10, 2004. This department is responsible for implementation of repair and maintenance projects throughout the State as well as CIP projects for buildings and facilities. Public Works also handles the leasing of office space for the State.

F. OLD BUSINESS

None.

G. NEW BUSINESS**1. Cooperative Agreement with U.S. Geological Survey for BASE FLOWS REPRESENTATIVE OF NATURAL CONDITIONS FOR STREAMS AFFECTED BY THE WAIAHOLE DITCH, OAHU, HAWAII**

PRESENTATION OF SUBMITTAL: Ed Sakoda

The Commission each year enters into a cooperative agreement with the USGS. Under this agreement the USGS collects basic hydrologic data and conducts area resource investigations. The cost is shared 50-50 between CWRM and the USGS. The funding will be covered by legislative appropriations made to the department's LNR 401 which is the Aquatic Resources and Environmental Program. The Division of Aquatic Resources funds are being used to cover this. That money was given to DARS from the legislature mainly to continue the post-decision studies on Waiahole.

Testimony by Kapua Sproat, attorney with Earthjustice, representing Hakipu'u Ohana, Kahaluu Neighborhood Board, Makawai Stream Restoration Alliance, and Ka Lahui Hawaii was given. Based on discussions with her clients, Ms. Sproat advised the Commission of some changes. On page 3, number 4 stated that Hakipu'u Stream is undiverted and that is inaccurate as it is currently diverted by Kualoa Ranch. Uses of the stream in the lower regions including lo'i are returned to the stream. Ms. Sproat asked that USGS inspect the entire stream, possibly walking it from top to bottom to find out where these diversions are, especially if it will be used as a control stream.

No objection to recommendation from Ms. Sproat.

RECOMMENDATION:

That the Commission approve the cooperative agreement/study between the Commission and the U.S. Geological Survey, and authorize the Chairperson to execute the appropriate documents.

Final contract execution shall be contingent upon receiving approval of the contract by the Department of the Attorney General.

MOTION: (Whalen/Frazier)

To approve as presented by staff.

UNANIMOUSLY APPROVED

2. Application for a Stream Channel Alteration Permit (SCAP-HA-365), Birds and Blossoms Retreat, Landscaping and Building Support Structure, Wainaku, Hilo, Hawaii (TMK: 2-6-008:022)

PRESENTATION OF SUBMITTAL: Ed Sakoda

Birds and Blossoms Retreat is a proposed bed and breakfast retreat located in Wainaku intended for handicapped persons with a teahouse theme consisting of a teahouse at street level and a walkway down to the stream. The only portions of the project that will alter the stream channel are two reinforced concrete footing and support columns for a teahouse structure and landscaping.

Ms. Johanna Leaird, applicant for this project, gave a short presentation. In her presentation she explained that an agreeable land swap with Bishop Estate is being done so that she will have a uniform lot to continue her plans to build the bed and breakfast. This will take place within the next 6 – 8 weeks after which the lands will be exchanged and rezoning will occur.

Mr. Sakoda stated that staff would like some assurance from the applicant that the lava rock wall would be constructed above the 78-foot contour elevation and a special condition is recommended requiring the applicant to submit working drawings indicating the rock wall will be above the 78-foot contour.

Mr. Sakoda proposed an amendment to the special condition that prior to the construction work the applicant shall submit final working drawings showing the lava rock retaining wall that will be located above the approximate 78 foot contour elevation.

AMENDED RECOMMENDATION:

That the Commission approve a stream channel alteration permit for a footing and support structure, rock wall and landscaping, for a retreat at Pukihae Stream, Wainaku, Hawaii (TMK: 2-6-008:022). The permit shall be valid for two years and subject to the Commission's standard conditions listed in Exhibit 5, and the following special condition:

“Prior to construction work, the applicant shall submit final working drawings showing the lava rock retaining wall, which will be located above the ~~79~~ 78-foot contour elevation. The scale of the drawings shall be 1 inch = 10 feet which is the same scale as the applicant's survey map. In addition, the applicant shall submit working drawings for the foundation and support structure for the teahouse.”

MOTION: (Whalen/Dela Cruz)
To approve as amended by staff.
UNANIMOUSLY APPROVED

H. REPORTS

1. Update to Permitting Process for Wells and Pumps

PRESENTATION OF REPORT: Roy Hardy

Mr. Roy Hardy, Ground-Water Regulations Branch Chief, reported on proposed revisions to the Well Construction/Pump Installation Permitting process. Mr. Hardy's report identified the problems, gave possible solutions to the problem and then a timeline with a report back to the Commission at the June 19, 2004 meeting. Please refer to Mr. Hardy's handout regarding the permitting process for wells and pumps.

2. Kapa'au Emergency Culvert Repairs at Hapahapai Stream, Akoni Pule Highway, Route 270, Kapa'au, North Kohala, Hawaii

PRESENTATION OF REPORT: Ed Sakoda

Mr. Sakoda presented some photos of the washed-out culvert and explained the emergency work proposed. Please refer to that handout for more information.

3. Statewide Drought Risk and Vulnerability Assessment and GIS Mapping

PRESENTATION OF SUBMITTAL: Neal Fujii

The presentation by Mr. Fujii summarized the statewide Drought Risk and Vulnerability Assessment and GIS Mapping Report, completed December 2003. Using GIS, the report combines drought frequency with sector-based vulnerability to spatially illustrate areas of risk to drought. The report includes sector-based maps for each Division with FEMA Pre-Disaster Mitigation Grant funding. Researchers from the University of Hawaii's Meteorology Department (Dr. Pao Shin Chu) and Social Sciences Research Institute (Dr. Mike Hamnett) were selected as the principal investigators for this study.

I. TOPICS FOR FUTURE COMMISSION MEETINGS

J. NEXT COMMISSION MEETINGS (TENTATIVE)

1. May 19, 2004
2. June 16, 2004

K. UPCOMING EVENTS

M. ADJOURNMENT

The meeting was adjourned at 11:25A.M.

Motion: (Dela Cruz/Fukino)
UNANIMOUSLY APPROVED

Respectfully submitted,

PAULYNE ANAKALEA
Secretary

APPROVED AS SUBMITTED:

ERNEST Y.W.LAU
Deputy Director